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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,869	12/12/2001	Simon Blair Dobson	60130-1294/00MRA0564	6697

26096 7590 10/20/2004

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EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,869

Applicant(s)

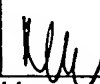
DOBSON, SIMON BLAIR

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,6-16,18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This application contains claims 2, 6-16, 18, and 19 are drawn to an invention nonelected with traverse in Paper No. 13 (1/13/03). A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 17, and 20 are further rejected under 35 U.S.C. 103(a) as being unpatentable over European patent to Queveau in view of Sekishiro et al. European patent to Queveau discloses a vehicle door assembly (1) having an outer door skin (2), an inner door panel (3), a trim panel (4) mounted adjacent to the inner door panel (3), a latch mechanism (8), a manually actuable element (97), and a bezel (96, specification calls element 97 a cap which would serve two purposes, one as a bezel for the manually actuable element (97) and the other is to provide a "sealing arrangement" between the cap and the trim panel) secured to the trim panel (4). European patent to Queveau fails to disclose an O-shaped seal between the manually actuable element and an opening in which the manually actuable element is moved. Sekishiro et al. disclose an O-shaped seal (24, the specification of Sekishiro et al. disclose element 24 as being a grommet and Webster's Ninth New Collegiate Dictionary defines "grommet" as "an eyelet of firm material to strengthen or protect an opening or to insulate or protect

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something passed through it") between the manually actuable element and the opening. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the vehicle door assembly of European patent to Queveau with an O-shaped seal about the opening and the manually actuable element as taught by Sekishiro et al. since it's well known in the art that O-shaped seals prevent moisture from entering the interior portion of the vehicle door assembly via manually actuable element.


The applicant's arguments have been considered but are not deemed persuasive. The applicant argues that Queveau fails to disclose a "waterproof" barrier as recited in claim 1. When assembled, the trim panel of Queveau prevents moisture from entering the space defined by the vehicle door. The applicant has not recited or defined a special type of trim barrier nor a trim barrier that's formed of a special material that when assembled prevents moisture from entering the space defined by the vehicle door. Since it is well known in the art to protect all of the mechanical and electrical elements mounted within the space of a vehicle door, all modern day vehicle doors try to prevent any moisture from entering the defined space when assembled and therefor provide a "moisture barrier" from the environment. With respect to the applicant's arguments of a "grommet", the duties of the office is to provide the broadest reasonable interpretation of a word and as discussed in detail above, "grommet" reads on the applicant's claimed invention as currently defined.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner